

UNITED STATES DISTRICT COURT
for the
Southern District of Illinois

William A White

Plaintiff/Petitioner(s)
v.
Department of Justice
Federal Bureau of Investigation
US Marshals Service
Bureau of Prisons
Defendant/Petitioner(s)

) Case Number: 16-948-JPG
) (Clerk's Office will provide)
)
) CIVIL RIGHTS COMPLAINT
) pursuant to 42 U.S.C. §1983 (State Prisoner)
)
) CIVIL RIGHTS COMPLAINT
) pursuant to 28 U.S.C. §1331 (Federal Prisoner)
)
) CIVIL COMPLAINT
) pursuant to the Federal Tort Claims Act,
) 28 U.S.C. §§1346, 2671-2680, or other law

5 USC 552 Freedom of Information Act
FILED

I. JURISDICTION

AUG 25 2016

Plaintiff:

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

A. Plaintiff's mailing address, register number, and present place of confinement.

William A White #13888-084
USP - Marion
PO Box 1000
Marion, IL 62959

Defendant #1:

B. Defendant Department of Justice is employed as
(a) (Name of First Defendant)

Department of the United States government
(b) (Position/Title)

with 750 Missouri Ave Rm 104, E St. Louis, IL 62201
(c) (Employer's Name and Address)

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? Yes No

If your answer is YES, briefly explain:

The Department of Justice is a cabinet-level department of the United States.

Defendant #2:

C. Defendant Federal Bureau of Investigation is employed as

(Name of Second Defendant)

Agency Of The Department of Justice

(Position/Title)

with 750 Missouri Ave Rm 104, E St Louis, IL 62201

(Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? Yes No

If you answer is YES, briefly explain:

The Federal Bureau of Investigation is an agency of
the Department of Justice.

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

United States Marshals Service

Federal Bureau of Prisons

* both are agencies of the Department of
Justice, and, may be served via the US
Attorneys Office at the above address.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? Yes No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:

Plaintiff(s):

I have attached a litigation summary.

Defendant(s):

2. Court (if federal court, name of the district; if state court, name of the county):

3. Docket number:

4. Name of Judge to whom case was assigned:

5. Type of case (for example: Was it a habeas corpus or civil rights action?):

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

7. Approximate date of filing lawsuit:

8. Approximate date of disposition:

LITIGATION HISTORY

c. 1997: I sued four Montgomery County, Maryland, police officers for civil rights violations in the District of Maryland. I received a small fine for procedural violations, but, lost the case.

c. 2005: My counsel, Jack Kennett, on my behalf, sued three Housing and Urban Development employees in the Western District of Virginia under Bivens. The Court eventually ordered it refiled as an FTCA claim; Jack was appealing this when he died; I let the matter drop.

c. 2005: Jack Kennett sued Bank of America, Citibank, and, Chase Bank, on my behalf; a favorable settlement was reached. This was also Western District of Virginia.

Dec 2007: I was sued as a third party respondent in United States v Henry ED Va Case No 07-cv-342. A subpoena issued against me was effectively quashed.

Feb 2008: I was charged with contempt in In Re: White (United States v Henry) 2013 US Dist LEXIS 133148 (ED Va 2013). Charges were dismissed.

c. Jun 2008: I was charged with contempt in the Western District of Virginia in a proceeding related to United States v Henry; charges were dropped.

Oct 17 2008: I was charged in United States v White ND Ill 08-cr-054 with soliciting a felony against a federal juror.

- * charges were dismissed United States v White 638 F Supp 2d 935 (ND Ill 2009)
- * charges were reinstated United States v White 610 F 2d 956 (7th Cir 2010)
- * I was convicted at trial Jan 5, 2011
- * charges were dismissed United States v White 779 F Supp 2d 778 (ND Ill 2011)
- * charges were reinstated United States v White 698 F 2d 1005 (7th Cir 2012)
- * I was sentenced to 42 months imprisonment February 20, 2013
- * cert was denied White v United States 133 S Ct 1740, 185 L Ed 802 (2013)
- * habeas was filed December 2013 ND Ill Case No 13-cv-9042
 - * habeas was denied May 5, 2016
 - * certified non-frivolous appeal of denial of certificate of appealability pends 7th Cir App No 16-2108
- * motion to recall the mandate filed Jul 1 2016
 - * denied Jul 14 2016
 - * certiorari pends (no case no yet assigned)

Dec 11 2008: I was charged with one count of extortion, one count of witness intimidation, and, five counts of

threats in WD VA 08-cr-054.

- * I was acquitted at trial of extortion, and, two threat counts; I was convicted of the lesser charge of witness tampering, and, three threat charges.
- * Another threat count was dismissed April 10, 2010 United States v White 2010 US Dist LEXIS 35999 (WD VA 2010)
- * I was sentenced to 30 months imprisonment April 10 2010
- * remand for resentencing March 31, 2012 [United States v White 458 Fed Appx 228 (4th Cir 2011)]
 - * I filed the United States May 4, 2012
 - * I was arrested in Playa del Carmen, Mexico June 8, 2012
 - * I was sentenced to 10 months imprisonment for supervised release violations September 2012
 - * I was resentenced to 33 months imprisonment October 2012
- * habeas was filed February 2013
 - * habeas was denied April 2013 White v United States 2013 US Dist LEXIS 52063 (WD VA 2013)
 - * upheld on appeal White v United States 536 Fed Appx 339 (4th Cir 2013)
- * coram nobis was denied March 2015 United States v White 2015 US Dist LEXIS 35314 (WD Va 2015)
 - * upheld on appeal United States v White 608 F Appx 160 (4th Cir 2015)
- * cert denied White v United States 136 S Ct 343 193 L Ed 2d 252 (2015)

- * second or successive habeas denied Jan 2016
4th Cir App No 15-423
- * 2241 review granted, and, pending, ND Ill
16-cv-2514
 - * The United States does not contest actual innocence of the underlying charges but has delayed entry of vacatur with frivolous motions, and, repeated defaults.

Sep-Nov 2010: I sued a halfway house, fees prepaid, in White v Secor, Inc 2010 US Dist LEXIS 117805 (WD VA 2010) This was dismissed as frivolous. It is my only strike.

Feb 2013: I was charged with four counts of extortion in United States v White WD Va 13-cr-013

- * convicted of three counts of extortion, one of the lesser included offense of threats, Nov 2 2013
- * sentenced to 92 months imprisonment May 1 2014
- * direct appeal denied Jan 2016 United States v White 810 F 3d 212 (4th Cir 2016)
- * cert denied May 5, 2016 White v United States 194 L Ed 2d 837 (2016)
- * new trial denied June 27, 2016
 - * reconsideration pending
- * habeas filed May 2016 WD Va 16-cv-90843
 - * pending; I maintain actual innocence

Nov 2013: I was charged with five counts of extortion, and, one count of identity theft in MD FL 13-cr-304

- * convicted all counts September 13, 2014
- * identity theft charge dismissed November 2014
- * sentenced to 210 months imprisonment Nov 2014
- * direct appeal, 11th Cir App No 14-15255-BB, denied July 2016
- * cert will be filed Sep 2016
- * I maintain my actual innocence in this matter

Jun 2014: I filed White v Berger, Sr MD Fl 14-cv-936, alleging torture at the hands of two Seminole County, Florida, Sheriffs, acting at the direction of two US Marshals, also naming Seminole County, Florida, as a defendant.

- * dismissed as moot Jan 2015
- * reinstated on appeal Mar 2015
- * claims dismissed for failure to state a claim reinstated July 2015; claim PLRA certified
- * summary judgment for defendants Apr 2016:
 - * no personal liability for US Marshals;
 - * no respondent superior liability for Seminole County;
 - * though the sheriffs do not deny torturing me, failure to exhaust administrative remedy regarding them (which is a lie).
- * direct appeal pending 11th Cir 16-11606

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? Yes No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes No

C. If your answer is YES,

1. What steps did you take?

2. What was the result?

D. If your answer is NO, explain why not.

This case relates to non-grievable FOIA issues.

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? Yes No

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

G. If your answer is NO, explain why not.

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

I have attached all documents relevant to the FOIAs in my possession.

IV. STATEMENT OF CLAIM

A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

I hereby aver under penalty of perjury that the following is true to the best of my knowledge, and, ability:

In December 2013, I filed Freedom of Information Act requests with a number of federal agencies. I requested all records pertaining to myself, and, from the Bureau of Prisons, ^{similar to what is} ~~new~~ certain other records, as detailed in Exhibit A(a):

* The FBI assigned my request ID # 1224695-00, located just under 15,000 pages of documents (about 1,000 more than the 13,926 pages currently claimed), and, stated that they would respond to my request by December 2018. ^{new} [Exh. A(a)]

* The US Marshals assigned my request ID# 2013USMS24506, ^{about} ~~new~~ stated that they had located 1500 pages of records, and, has never responded further; they also appear to have closed their FOIA office; [Exh A(b)]

* The Bureau of Prisons released 53 pages of marginally relevant documents, and, ignored my appeal.

I am involved in extensive civil, and, habeas, litigation with the United States, and, will soon be filing additional actions. One basis of these claims is that I have been three

times tortured while in the custody of the United States Marshals Service, and, the Bureau of Prisons. Another basis of these claims is that the crimes that I was convicted of were actually committed by two federal informants who stole my identity at the direction of a rogue member of the Joint Terrorism Task Force, Kelly Boaz, I have attached a draft of my claim against Boaz, and, the two informants, identified as Perpetrators #1, and, #2, as Exhibit B; the full complaint with Exhibits will be filed in WD Va 13-cr-013 / 16-cv-90843, before September 25, 2016.

In July 2016, after I received over 10,000 pages of documents, my FOIA claims became much more pressing. As a result, I did the following:

- * On July 18, 2016, I wrote to the FBI, and, revoked any waiver of their time to respond, requesting all documents within 20 days. This letter was ignored. The letter is *now* *similar to* ~~substantially the same as~~ Exh A(b); I cannot locate my copy of it.
- * With the above letter, I sent a letter requesting all information on the following groups, and, individuals. As I cannot locate the letter, I reconstructed this list from a substantially similar discovery motion:
 - * Persons: James Porrazzo, Joshua Caleb Sutter aka David Woods aka Tyler Moses aka Shree Shree Kalika-Kalki, Mandir aka Stephen Brown aka Thugee Behram, Julian Hoy aka Comrade Morrison aka Jayalita Desi Devi, John Paul Cupp, Jason-Adam Tonis, Kevin Walsh, Zaid Shakar al-Jishi, Emily Rotney, Chris Hayes, Kent McLellan,

August Kreis, Brett Stevens, and, David Lynch.

- * Groups: Any groups affiliated with the address 480 Sherwood Drive, Lexington, SC, American Front, New Resistance, Green Star, Rural People's Party, US Song-un Study Group, New Bihar Mandir Temple, United Juche Front of North America, Swords of Songun, Aryan Nations or any related group in Lexington SC, any person or entity in Lexington SC claiming affiliation with the government of North Korea, any person or entity in Lexington SC claiming affiliation with al-Qaeda or any related group, any person or entity in Lexington SC claiming affiliation with Alexander Dugin or the Donetsk and Luhansk People's Republics, Manchuoko Temporary Government, US Juche Study Group, Russian Defense League, or, 12th SS Cavalry Battalion (also called 1st SS Cavalry Brigade).
- * I wrote the United States Marshals Service to also renew my FOIA request; their office was closed. [Exh. A(b)]
- * I filed a new FOIA with the Bureau of Prisons August 7, 2016, requesting the following documents: [Exh A(c)]
 - * regarding myself: all medical records, all psychological records, all requests for administrative remedy and tort claims, all disciplinary records, all SENTRY records, all Prison Security and Intelligence Record System [JUSTICE/BOP-001] records, all communications between Bureau of Prisons personnel, and, between Bureau of Prisons personnel, and, other law enforcement agencies, any US Attorney's Office or any agency of the At-

torney General, including the US Department of Justice Civil Rights Division;

* regarding the Metropolitan Correctional Center Chicago: All maintenance records related to the 11th Floor Special Housing Unit between October 17, 2008, and December 29, 2008, particularly, but, not limited to, records related to heating problems, insect infestations, and, the flooding of cells with human fecal material; and, the green SHU log books for the same period.

The response that I received is attached as Exh A(1). The response tells me that a FOIA request is received when it is sent to "the component at the address ... which is noted above. (Appendix I, Title 28 CFR, has no address in the version available on LEXIS-NEXIS). The address noted above is 400 State Avenue Tower II Suite 800 Kansas City, KS 66101, which is where the letter came from. While I am remailing the request to Central Office, as I understand it, this letter exhausts my legal, pre-filing, administrative requirements. (which, really, were exhausted in 2014 with my prior request.)

Having been unable to obtain the requested records from the Department of Justice, and, its components, I now ask the Court for an injunction.

Having so averred, I sayeth no more underneath.

dutflas

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

I would like the Court to order the records specified in my various FOIA requests released to me.

VI. JURY DEMAND (*check one box below*)

The plaintiff does does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: 8-19-16
(date)


Signature of Plaintiff

USP-Marion PO Box 1000
Street Address
Marion, IL 62959
City, State, Zip

William A. White
Printed Name
#13888-084
Prisoner Register Number

Signature of Attorney (if any)

William White #13888-084
United States Penitentiary - Marion
Marion, IL 62459

75

↔ 13888-084 ↔

Clerk -- Us Dist Ct Sd III
750 Missouri AVE
Room 104
E Saint Louis, IL 62201
United States



MAIL
US CLEARED
MARSHALS